

**REMARKS**

- I. Reconsideration of rejection of claims 1-49 under 35 U.S.C. §112, first paragraph is respectfully requested.

The subject matter of the present invention is clearly shown in both the specification and the figures. The spring itself performs its' intended duties when it is under compression.

As such, Applicant is further amending the specification at page 12, lines 17, 28 and 29 to delete the term "tension" and to insert the term "compression." No new matter is being added to the specification. Rather, as described at page 12, the Fig. 2 shows the locking and securing device in an open and unsecured position and the spring 104 is shown under compression. In Fig. 3, the spring 104 is not under compression, but the spring 100 is under compression. Figs. 4 and 5 also show the spring 100 under compression.

It is submitted that there is a full description in the specification and in the drawings that the springs are either under compression when the securing and locking means is in certain positions or is in a non-compressed state. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

- II. Reconsideration of the rejection of claims 1-49 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The independent claims 1 and 15 have been amended to recite that the securing means includes a securing pin and a handle, which handle is positioned at substantially the center point of the securing pin.

The claims 14, 15 and 27 have been amended to delete the language "spaced apart" and claim 16 has been cancelled.

Claims 3 and 17 are amended to recite that the locking and securing device has a securing pin which is positioned at a right angle with respect to a plane defined by the first support.

Applicant has cancelled claims 16 and 20 and has amended claim 21 to depend from claim 19. Claim 34 has been amended to recite the "locking means." Applicant submits that such amendments to the claims overcome the Examiner's rejection and the Examiner is respectfully requested to withdraw this rejection of the claims.

III. Reconsideration of the rejections of claims 1-7, 13, 14, 34, 35, 40, 41, 42 and 43 under 35 U.S.C. §102(b) over the newly cited Brown US Patent No. 3,561,804 reference is respectfully requested.

The present invention relates to a locking and securing device for securing a first support to a second support. Independent claim 1 has been amended to recite a means for securing the first support to the second support includes a securing pin and a handle positioned at substantially the center point of the securing pin. Also, claims 34-35 describe, in particular, the three-dimensional features of the handle and the securing pin and the engaging means, which features are not shown or suggested in the newly cited Brown reference.

In contrast, the newly cited Brown reference describes lock a where the handle is not in line (centered) with a securing means. The Brown reference shows an offset half loop handle which will not be operable by applying a force at substantially coaxial

center point of the bolt. Further, the Brown unit cannot be secured without being locked; that is, gravity automatically locks the Brown device. Still further, the Brown device does not give an easily recognizable evidence of whether the bolt is secured or not, since the Brown handle is in the same orientation in both cases (i.e., secured or unsecured). In addition, the Brown device does not automatically secure the pin. Thus, the Brown reference teaches away from the present invention.

In contrast, one of the advantages of the instant invention is that the locking and securing device requires a second, conscious effort to lock the pin. This feature is especially useful if the individual wants to make quick adjustments using the locking and securing device of the present invention; that is, there is no need to lock and unlock the device of the present invention every time the device is secured.

Also, it should be noted that one feature of the present invention is that the locking and securing devices allows both handles to be compressed simultaneously, which, in turn, allows automatic securing of the inventive device upon release of the handles.

There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

IV. Reconsideration of the rejection of claims 1-6, 13, 15-20, 34, 36, 40, 41, 42, 43, 45 and 46 under 35 U.S.C. §102(b) over the newly cited Smith US Patent No. 437,054 reference is respectfully requested.

The present invention relates to a locking and securing device for securing a first support to a second support. Independent claims 1 and 15 have been amended

to recite a handle positioned at substantially the center point of the securing pin. The handle is movable between a secured position and an unsecured position with respect to the second support by using a force substantially coaxial center point of the securing means. Also, claims 34 and 36 describe, in particular, the three-dimensional features of the handle and the securing pin, which features are not shown or suggested in the newly cited Smith reference.

In contrast, the newly cited Smith reference describes a bolt extending through a door such that the door can be opened from either side. In order to axially move the Smith bolt, the operator must either use the first handle 14 on the outside of the door or the opposing second handle 17 on the opposite or inside of the door. In either instance, the movement of the Smith bolt is by a non-co-axial force.

There is no teaching or suggestion of the locking and securing device in the Smith reference, as now recited in the amended claims. Rather, the Smith reference teaches away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

V. Reconsideration of the rejection of claims 1-8 and 13-22 under 35 U.S.C. §103(a) over the newly cited Perry 5,390,761 reference is respectfully requested.

Independent claims 1 and 15 have been amended to recite a handle positioned at substantially a center point of a securing pin. Claim 1 has been further amendment to recite that the locking means is in an offset relationship with respect to the securing pin. The handle is movable between a secured position and an unsecured position with

respect to the second support by using a force substantially at the coaxial center point of the securing means.

In contrast, the newly cited Perry reference describes a latch having a pin with a rotating disc handle mounted thereon. Also, the Perry handle 66 is not offset with respect to the pin 62. Rather, the Perry handle 66 is longitudinally centered on the rod 64, as described at column 5, lines 13-15, in the Perry reference. Therefore, the Perry reference teaches away from the present invention.

Further, the Perry device automatically locks which is a disadvantage when adjusting the height of the unit. The Perry device must be unlocked every time the unit needs to be unsecured. This extra unlocking step causes the users to tend to bypass the Perry lock by taping it up.

There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

VI. Reconsideration of the rejection of claims 1-13, 34 and 40-43 under 35 U.S.C. §103(a) over the newly cited McManigal et al. US Patent No.5,062,669 and the newly cited Calco US Patent No. 5,032,045 references is respectfully requested.

The present invention relates to a locking and securing device for securing a first support to a second support. Independent claim 1 has been amended to recite a means for securing the first support to the second support includes a securing pin and a handle positioned at substantially the center point of the securing pin. The handle is movable between a secured position and an unsecured position with

respect to the second support by using a force substantially coaxial center point of the securing means. Also, claim 34 describes, in particular, the three-dimensional features of the handle and the securing pin, which features are not shown or suggested in the newly cited McManigal et al. or newly cited Calco references.

In contrast, the newly cited McManigal reference shows a locking device with an offset handle where the force is not applied in a coaxial manner. Similarly, the newly cited Calco reference shows a clamp having an offset handle where the force applied to such Calco handle is not applied in a coaxial manner. Further, the Calco device is not appropriate for locking opposing supports together since, immediately upon unlocking the Calco device, the Calco device is unsecured which would cause the supports to come apart. Therefore, both the McManigal and Calco references fail to teach or suggest the present invention and the Examiner is respectfully requested to withdraw this basis of rejection.

VII. Reconsideration of the rejection of claims 8 and 9 under 35 U.S.C. §103(a) over the newly cited Brown reference in view of the Weiland US Patent No. 1,315,266 reference is respectfully requested.

Claims 8 and 9 depend from amended independent claim 1, as fully described above. One of the features of the present invention is that the handle is movable between a secured position and an unsecured position with respect to the second support by using a force substantially coaxial center point of the securing means.

As described above, the newly cited Brown reference fails to teach or suggest the present invention.

The Weiland reference shows device having a centered spring. The Weiland reference fails to teach or suggest the locking means being in an offset relationship with respect to the handle. There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Brown and Weiland references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

VIII. Reconsideration of the rejection of claims 8-12, 22-33, 38, 47, 48 and 49 under 35 U.S.C. §103(a) over the newly cited Smith reference in view of the Weiland reference is respectfully requested.

The claims 8-12, 22-26, 28-33, 38 and 47-49 depend from either independent claims 1 or 27. Claim 1 has been amended to recite that the locking means is in an offset relationship with respect to the securing pin. Claim 27 recites that the locking member has an engaging section having an engaging section at a distal end thereof. Also, the claim 38 describes, in particular, the three-dimensional features of the handle and the securing pin, which features are not shown in the newly cited Smith or the Weiland references.

The distinctions of the present invention over the newly cited Smith reference and the Weiland reference are clearly set forth above. In particular, the Smith bolt is only moveable by exerting a non-coaxial force either the inside handle or the outside handle. Further, the Weiland reference shows a centered spring and fails to teach or suggest the locking means having an engaging member at a distal end. As such, the Weiland reference fails to supply any of the deficiencies of the Smith reference.

Therefore, Applicant submits that the present invention is patentably distinct and the Examiner is respectfully requested to withdraw this rejection of claims.

- IX. Reconsideration of the rejections of claims 11, 12, 25-28, 30-33, 38 and 47-49 under 35 U.S.C. §103(a) over the newly cited Smith and the Weiland references, as applied above, and further in view of the Emmertt US Patent No. 1,570,135 reference is respectfully requested.

The claims 11, 12, 25, 26, 28, 30-33, 38 and 47-49 depend from either independent claims 1 or 27, which have been amended as discussed above. Also, the claim 38 describes, in particular, the three-dimensional features of the handle and the securing pin, which features are not shown in the newly cited Smith, the Weiland or Emmertt references.

The distinctions of the present invention over the Smith and Weiland references are clearly set forth above.

The Emmertt reference fails to teach the present invention and fails to provide any of the deficiencies of the Smith and/or Weiland references. In the Emmertt reference, the pin or bolt 5 does not act as a spring abutment means for the spring 10. Rather, the casing 9 and the washer 11 of the Emmertt reference are the objects against which the spring 10 bears. In the Emmertt reference, the means 19 is a cam edge of a leaf spring 13 over which rides a lug 16. There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Smith, Weiland and Emmertt references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.



- X. Reconsideration of the rejections of claims 11 and 12 under 35 U.S.C. §103(a) over the newly cited Brown and the Weiland references, as applied above, and further in view of the Emmertt reference is respectfully requested.

Claims 11 and 12 depend from amended claim 1 and further recite the locking and securing device where the first and second biasing means are spaced apart from one another by a rivet pin extending radially through the securing means (claim 11) and where the rivet pin is positioned in the securing pin at substantially a midpoint along a longitudinal length of the securing pin (claim 12).

In contrast, as discussed fully above, the distinctions of the present invention over the Brown, Weiland and Emmertt references are clearly set forth above. It should be noted that in the Emmertt reference, the pin or bolt 5 does not act as a spring abutment means for the spring 10. There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Brown, Weiland and Emmertt references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

- XI. Reconsideration of the rejections of claims 2-7, 15-21, 34-37 and 44-46 under 35 U.S.C. §103(a) over the newly cited Brown reference, in view of the newly cited Smith reference is respectfully requested.

Claim 2 has been cancelled and claims 3-7, 16-21, 34-37 and 44-46 depend from either independent claims 1 or 15, which have been amended to recite a handle positioned at substantially a center point of the securing pin and that the

locking means is in an offset relationship with respect to the securing pin. The handle is movable between a secured position and an unsecured position with respect to the second support by using a force substantially coaxial center point of the securing means. Also, the claims 34-37 describe, in particular, the three-dimensional features of the handle, the securing pin, and the engaging means, which features are not shown or suggested in either the newly cited Brown or newly cited Smith references.

In contrast, the newly cited Brown and newly cited Smith references, which have been fully discussed above, fail to teach the present invention. Rather, the Brown reference shows an offset half loop handle which is not operable by applying a force at substantially coaxial center point of the bolt. Also, the Smith reference generally shows a bolt extending through a door such that the door can be opened from either side.

In order to axially move the Smith bolt, the operator must either use the inside handle 14 on one side of the door or the outside handle 17 on the opposite side of the door. In both the Brown and Smith instances, the movement of the bolt is by a non-co-axial force. There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Brown, and Smith references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

- XII. Reconsideration of the rejections of claims 8-10, 22-24 and 29 under 35 U.S.C. §103(a) over the newly cited Brown and newly cited Smith references, as applied above, and further in view of the Weiland reference is respectfully requested.

The claims 8-10, 22-24 and 29 depend from either independent claims 1 or 15, as fully discussed above. The distinctions of the present invention over the newly cited Brown, the newly cited Smith and the Weiland references are clearly set forth above. One feature of the present invention, as recited in the claims, is that the securing means is movable by using a force substantially at a coaxial center point of the securing means.

In the Brown, Smith and Weiland references, the movement of the bolt/pin is by a non-co-axial force. There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Brown, Smith and Weiland references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

- XIII. Reconsideration of the rejections of claims 11, 12, 25-28, 30-33, 38, 39 and 47-49 under 35 U.S.C. §103(a) over the newly cited Brown, the newly cited Smith and the Weiland references, as applied above, and further in view of the Emmertt reference is respectfully requested.

The claims 11, 12, 25-26, 28, 30-33, 38, 39 and 47-49 depend from either independent claims 1 or 27, as fully described above. The distinctions of the present invention over the newly cited Brown, the newly cited Smith and the Weiland references are clearly set forth above. One feature of the present invention, as recited in the claims, is that the securing means is movable by using a force substantially at a coaxial center point of the securing means. Also, the claims 38-39

describe, in particular, the three-dimensional features of the handle, the securing pin, and the engaging means, which features are not shown or suggested in the newly cited Brown, newly cited Smith, the Weiland or the Emmertt references.

In contrast, in the Brown, Smith and Weiland references, the movement of the bolt is by a non-co-axial force. The Emmertt reference fails to supply any of the deficiencies of these cited references. Rather, the Emmertt reference, as also fully described above, recites an offset automatic latch where a force is not supplied as substantially coaxial center of a securing means. Therefore, the Emmertt reference also teaches away from the present invention by having an offset latching mechanism. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

XIV. Reconsideration of the rejections of claims 9, 10, 23 and 24 under 35 U.S.C. §103(a) over the newly cited Perry and the Weiland references, as applied above, is respectfully requested.

The claims 9, 10, 23 and 24 depend from either independent claims 1 or 15, as fully described above. The distinctions of the present invention over the newly cited Perry and the Weiland references are also clearly set forth above. One feature of the present invention, as recited in the claims, is that the securing means is movable by using a force substantially at a coaxial center point of the securing means.

Claims 9 and 10 depend from independent claim 1 and further recite a locking and securing device where the securing means includes a second further biasing means for holding the locking means in the locked position (claim 9) and where the first

biasing means and the second biasing means are coaxially positioned on the securing means (claim 10).

Claims 23 and 24 depend from amended independent claim 15 and recite a locking and securing device where the securing mechanism further includes a second biasing member coaxially positioned on one end of the securing pin in a spaced apart relationship to the first biasing member (claim 23) and where the first biasing member and the second biasing member are coaxially positioned on the securing pin (claim 24).

In contrast, in the Perry and Weiland references, the movement of the bolt is by a non-co-axial force. There is no teaching or suggestion of the locking and securing device, as now recited in the amended claims. Therefore, the Perry and Weiland references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

XV. Reconsideration of the rejections of claims 11, 12, 25 and 26 under 35 U.S.C. §103(a) over the Perry and Weiland references, as applied above, and further in view of the Emmertt reference is respectfully requested.

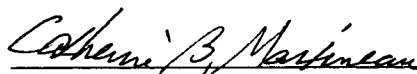
The claims 11, 12, 25 and 26 depend from either independent claims 1 or 15, as fully described above. The distinctions of the present invention over the newly cited Perry and Weiland references are also clearly set forth above. One feature of the present invention, as recited in the claims, is that the securing means is movable by using a force substantially at a coaxial center point of the securing means.

In contrast, in the Perry and Weiland references, the movement of the bolt is by a non-co-axial force. The Emmertt reference fails to supply any of the deficiencies of these cited references. Rather, the Emmertt reference, as also fully described above, recites an offset automatic latch where a force is not supplied as substantially coaxial center of a securing means. Therefore, the Emmertt reference also teaches away from the present invention by having an offset latching mechanism and the Emmertt reference, either taken alone or in combination with the Perry and Weiland references, fails to teach or suggest the present invention. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

XVI. The claims pending in the instant application are now in condition for allowance.

The amendments to the specification and claims, and the arguments herein were necessitated by the newly cited references and the newly presented grounds of rejection. These amendments place the application in condition for allowance. Applicant submits that the present invention is patentably distinct and a favorable action is respectfully requested.

Respectfully submitted,



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